

Katie J. Maxwell I.D. No. 206018
Anna L. Knych I.D. No. 316659
WALTERS & GALLOWAY, PLLC
54 E. Main St.
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Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS, CUMBERLAND COUNTY PENNSYLVANIA

JANICE HOLLISTER
Plaintiff

v.

Docket No. 2020-03437-CV

BRENNAN PROPERTY GROUP, LLC
Defendant

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take prompt action. A judgment may be entered against you for any other claim or relief requested in these papers by the Plaintiff.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**CUMBERLAND COUNTY BAR ASSOCIATION'S
FIND A LAWYER**

32 SOUTH BEDFORD ST.

CARLISLE, PA 17013

PHONE (717) 249-3166 EXT. 105

www.cumberlandbar.com/Programs-Services/Find-a-Lawyer

Case# 2020-03437-2 Received at Cumberland County Prothonotary on 04/14/2021 3:19 PM, Fee = \$0.00. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.



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COMPLAINT

AND NOW, comes Plaintiff, Janice Hollister, by and through her attorneys, WALTERS AND GALLOWAY, PLLC, and files this Complaint and in support thereof avers as follows:

1. Plaintiff is Janice Hollister, an adult individual residing at 3605 Edencroft Rd.,
Huntington Valley, PA 19006.
2. Defendant is Brennan Property Group, organized under the laws of the State of
Pennsylvania, with a principal place of business at 1204 Apple Drive, Mechanicsburg, PA
17055.
3. Plaintiff is the owner of 236 Brick Church Road, Newville, PA 17241 (hereinafter "Brick
Church Road property").
4. On or about April 29, 2019 Plaintiff and Defendant entered into an agreement for
Defendant to remove debris from four rooms and one bathroom inside of the Brick
Church Road property, which was caused by water damage. A copy of the agreement is
attached as Exhibit A.

5. Plaintiff had significant amounts of personal property throughout the home which was not subject to water damage.
6. A partial list of the property in the home is attached as Exhibit B.
7. The removal of personal property was not explicitly or implicitly contemplated by the agreement.
8. Plaintiff and Defendant agreed that Plaintiff should be present at the time the work was completed.
9. Plaintiff planned to be present when the work was being completed.
10. Defendant informed Plaintiff that work would begin the week of May 20, 2019.
11. Defendant employed a sub-contractor, Royal Remodeling.
12. On May 11, 2019, Royal Remodeling, at the direction of Defendant, removed and destroyed the entire contents of Plaintiff's house.
13. Defendant did not give notice to Plaintiff that the work would be performed at an earlier date.
14. Many items of significant personal and monetary value to Plaintiff were removed and destroyed.
15. In a series of text messages with Plaintiff, Ted Brennan, as agent for Defendant, acknowledged that the contents had been removed by "mistake". Copies of the text messages are attached as Exhibit C.
16. Ted Brennan acknowledged that Plaintiff should be compensated.

17. Ted Brennan also acknowledged that Plaintiff was not present when the work was completed.

18. On May 18, 2020 Plaintiff filed a Writ of Summons in this matter.

COUNT I
BREACH OF CONTRACT

19. Paragraphs 1 through 18 are incorporated herein by reference as if set forth in full below.

20. Plaintiff and Defendant had a contract for the removal of debris from Plaintiff's property.

21. The contract did not include the removal of Plaintiff's personal property.

22. Further, the work was to be carried out on a specified date with Plaintiff present.

23. Defendant breached the express and implied obligations, conditions and terms of the contract by directing the removal of all of Plaintiff's personal property from the house.

24. Defendant further breached the express and implied obligations, conditions and terms of the contract by performing the work prior to the agreed upon date.

25. The estimated value of the contents removed and destroyed by Defendants was \$30,000.00.

26. Defendant is a "Contractor" under 73 P.S. §517 and is subject to the treble damages provisions of the Unfair Trade Practices and Consumer Protection Law found at 73 P.S. § 201-1 et. seq.

27. Because of the actions of Defendant, Plaintiff has been forced to incur attorneys' fees.

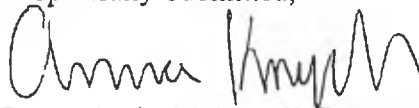
WHEREFORE, Plaintiff requests judgment in her favor in the amount of \$90,000.00 plus attorney's fees and costs of this action, and any other relief as this Court deems just and reasonable.

COUNT II
CONVERSION

28. Paragraphs 1 through 28 are incorporated herein by reference as if set forth in full below.
29. Plaintiff is the owner of all personal property formerly found at the Brick Church Road property.
30. Defendants intentionally directed the removal and destruction of Plaintiff's personal property from the Brick Church Road property.
31. Plaintiff has been deprived of the use of her personal property.
32. The estimated value of the contents removed and destroyed by Defendants was \$30,000.00.
33. Defendant is a "Contractor" under 73 P.S. §517 and is subject to the treble damages provisions of the Unfair Trade Practices and Consumer Protection Law found at 73 P.S. § 201-1 et. seq.
34. Because of the action of Defendant, Plaintiff has been forced to incur attorneys' fees.

WHEREFORE, Plaintiff requests judgment in her favor in the amount of \$90,000.00 plus attorney's fees and costs of this action, and any other relief as this Court deems just and reasonable.

Respectfully Submitted,



By: Katie J. Maxwell, ID No. 206018
Anna L. Knych, ID No. 316659
Counsel for Defendants
WALTERS & GALLOWAY, PLLC
54 E. Main Street
Mechanicsburg, PA 17055
(717) 697-4700

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Exhibit A

Brennan Property Group

1204 Apple Drive
 Mechanicsburg, PA 17055
 717-673-4205

stop par
 5/30/19

06 #
 400070964

Estimate

Submitted on 4/29/2019

Estimate for

Janice Hollister
 236 Brick Church Road
 Newville, PA

Estimate #

123456

called 5/8/19
 will not work 4 2017

Description	Qty	Unit price	Total price
Demo and remove all debris, walls, ceilings and insulation from inside the property	1	\$3,700.00	\$3,700.00
			\$0.00
			\$0.00
			\$0.00
Notes:		Subtotal	\$3,700.00

\$1000 due upfront, remaining balance due upon completion

\$3,700.00

wall to the
 20 m 2 drs

or 118.2

[Handwritten signatures and marks]

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Exhibit B

Partial List of Contents of 236 Brick Church Rd.

Item	Value
KITCHEN	
solid oak double pedestal table 3 leaves metal gears claw feet	\$2,300.00
6 wheat back solid oak chairs	\$750.00
mid century free standing cabinet stainless steel top breadbox solid maple	\$350.00
solid maple china cabinet	\$50.00
electric range	\$850.00
new kerosene heater	\$150.00
mid century fire king set of 4 square coffee cups	\$25.00
vintage milk glass dairy mug advertising farm show	\$12.00
rooster lamp large 3-way	\$70.00
black iron horse sculpture	\$10.00
Jim beam bottle western bronco horse	\$25.00
partial dish set octagonal Johnson bros vintage blue & gold	\$50.00
2 cookie sheets	\$10.00
coffee maker single serve	\$79.00
teapot	\$25.00
microwave	\$89.00
silverware	\$79.00
mixing bowls	\$30.00
misc. cups and glasses	\$25.00
tins for tea, sugar, coffee	\$10.00
large container Tupperware container of cleaning supplies	\$70.00
rubber gloves, masks, paper towels, etc.	
spray bottle with electric sprayer natures miracle	\$39.00
broom, dustpan, mops	\$20.00
plastic container of food, canned and boxed	\$110.00
command performance pots 2 new	\$120.00
fry pan	\$20.00
2qt pot stainless	\$30.00
set of 3 stainless stock pots	\$75.00

vintage metal box erector set	\$50.00
vintage 50's round top lunch pail	\$25.00
various hand tools on table hammer, screwdrivers, pliers, etc.	\$40.00
mag flash light	\$26.00
dish towels, pot holders, washcloths	\$35.00
mix master NOT hand held regular standing one	\$120.00
kitchen size fire extinguisher	\$29.00
chicken bowl with keys & locks	\$40.00
new security camera in box	\$80.00
contents of all drawers including paperwork for tractor, other equipment	\$40.00
measuring cups,spoons,wisks, spatula, etc.	\$20.00
pens, scissors, matches,clips,note paper	\$20.00
knife set in wood block	\$80.00
total kitchen	\$6,078.00
MUDROOM	
antique Hoosier cabinet with original tin flour container, sugar jars	\$1,200.00
and paperwork	
flares & other misc. item scissors, etc.	\$20.00
small tools	\$30.00
toaster oven	\$80.00
dayglo paint and other paint	\$60.00
washed and folded clothes, blankets, sheets, curtains, towels in plastic laundry baskets	\$310.00
all laundry supplies detergent, fabric softener, Clorox	\$40.00
8 large panels washed lined curtains mid century Asian design	\$200.00
shelve above washer had ceramic elephant	\$12.00
large Tupperware container hinged lid	\$26.00
container of new ceiling fixtures, other lamps I just brought up	\$120.00
American Limoges plates & cups 4 + misc. on shelves in Hoosier	\$60.00
Paul revere copper cooking pans with lids 3 1.5 qt 2qt 3qt	\$150.00
Total mudroom	\$2,308.00

BEDROOM #3 back bedroom no damage	
12 double rolls (56sq ft) pre-pasted vinyl wallpaper paisley pattern	\$600.00
sewing/serger machine in box like new	\$75.00
metal container with embroidery floss other sewing supplies	\$90.00
8000 btu in window air conditioner used a few times	\$329.00
oil filled electric heater	\$79.00
antique dresser	\$350.00
antique vanity with mirror	\$800.00
osculating fan	\$40.00
ceramic pink lamp	\$35.00
ceramic lamp with fruit design	\$35.00
bible stand holder	\$25.00
co2 45 look pellet gun in drawer of bureau	\$100.00
horse western saddle blanket new	\$80.00
English winter riding blanket	\$65.00
saddle rack metal	\$50.00
antique platform rocker recovered 1800,s	\$550.00
mid-century western wood toy chest solid pine	\$125.00
box of emphrema	\$55.00
Mexican blue blanket	\$25.00
applique quilt king size washed in plastic	\$125.00
antique wood box with metal straps	\$75.00
mid-century blue glass large centerpiece	\$75.00
pink mid-century bowl	\$15.00
white swan figure	\$15.00
box of electronic speakers, cords etc.	\$80.00
solis rock maple wall shelve 50's	\$125.00
box of Priscilla pattern Knowles china	\$50.00
box of knickknacks	\$45.00
blank art canvas 3 and some art supplies	\$48.00
total bedroom#3	\$4,161.00
DINING ROOM	
antique rolltop desk disassembled 1800's solid walnut covered with rubber backed curtains	\$1,400.00
mid century solid white oak server	\$400.00

Seth Thomas electric clock	\$15.00
telephone with answering machine	\$75.00
liquor cabinet veneered	\$125.00
liquor	\$80.00
antique Lincoln rocker	\$250.00
chataqua desk contents	
japan phoenix china, original mirror, misc. ceramics	\$150.00
full set of blue willow royal china with teapot, serving dishes	\$700.00
Salt & pepper, butter dish etc., Johnson Bros. friendly village china full service with all extra, also milk glass serving pieces, candle sticks, vases, serving pieces, coffee pot & tea 2 of most, butter S&P	\$1,000.00
vintage anchor hocking boopie glasses footed 3 sizes 10 each size	
boopie glasses red wine/juice	\$55.00
boopie glasses white wine/water/ice tea	\$55.00
boopie glasses champagne/dessert/sherbet	\$55.00
antique blue willow misc. some flow blue England, Japan & USA	\$250.00
small toolbox of electric supplies & tools wire cutter, caps, etc.	\$25.00
end post of staircase railing solid oak (railing still there)	\$200.00
larger fire extinguisher with hose	\$80.00
blue rubber lined insulated drapes blue	\$125.00
curtain rods	\$45.00
Total dining room	\$5,085.00
LIVING ROOM	
Hitchcock rocker Ethan Allen	\$300.00
Bronze floor lamp	\$250.00
end table with drawer	\$75.00
2 ceramic lamps	\$85.00
sofa mid century modern	
solid rock maple dresser 3 drawer	\$800.00
clothes in dresser	\$125.00

huges net satellite box this was purchased not on loan	\$350.00
Content of build in bookcase NO MOLD	
cd's approx 10	\$20.00
Chuck missler tapes bible tapes in cases	\$150.00
DVD's	\$50.00
family pictures	\$10.00
horse books, vmd, pony club	\$175.00
antique history books	\$200.00
novels approx. 12	\$36.00
some knickknacks	\$30.00
quilt Lincoln log brown my great grandmother made 1920's	\$150.00
4 pictures	\$100.00
Total living room	\$2,906.00
BEDROOM #1 first room on right	
antique bureau with unique dovetail	\$350.00
contents included leather gloves and matchbox with \$20 bill, clothes	\$70.00
2 covered plastic container of old and antique books some history	
approx. 20 books per container	\$400.00
upright cedar chest with shelves and bun feet	\$375.00
approx 25 yards of different New material including upholstery	\$250.00
sweater and jeans	\$25.00
plastic bed frame for air bed	\$100.00
3 drawer night stand with leather bible and family picture ceramic lamp	\$125.00
electric alarm clock	\$10.00
lamp stand with metal modern green touch lamp	\$80.00
antique wood chair with cane seat	
total bedroom #1	\$1,785.00
MASTER BEDROOM #2 on the right of stairs	
rock maple bedroom set vanity with seat & mirror drawers empty	\$1,500.00
RM bed	
RM bureau drawers empty	\$700.00

1 drawer night stand	\$35.00
battery clock	\$10.00
container of show English bridles, new western show halter/bridle	\$500.00
very good condition with reins - halter/bridle new	
handmade door to attic from when the house was built early 1800's	
also antique box lock black iron glass knob	\$125.00
double blade window fan	\$40.00
total master bedroom	\$2,910.00
ATTIC walk up from master bedroom	
3 containers with lids	
#1 pink/red currier & ives royal china complete set with teapot	\$550.00
#2 container of Christmas items lights, Santa	\$75.00
#3 container of colored glass vases, oil lamps , handblown shapes	\$90.00
total attic	\$715.00
GRAND TOTAL	\$25,948.00

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Exhibit C

Thanks Janice

10:13 AM

Janice, sorry i was at my sons lacrosse game. I actually talked to the demo company and there was some miscommunication i told them to go look at the house to

2:13 PM

the carpets had literal mushrooms growing on them! I am waiting for them to let me know when they will finish.

2:16 PM

get numbers and they did the trashout of carpets and everything in the house except the ceilings and walls i believe. They said all the furniture was moldy and

2:16 PM

Let me know what you are
thinking

11:52 AM

I have not been back to the house since before they cleaned it out. The crew that i used was the one that was in Europe. The miscommunication was that the

12:12 PM

crew wanted to look at the house and see what manpower they would use and they did but started before they even told me they were starting. They told me after

12:15 PM

house was cleaned out. They do have insurance and so do i but i would rather pay out of

crew wanted to look at the house and see what manpower they would use and they did but started before they even told me they were starting. They told me after

12:15 PM

house was cleaned out. They do have insurance and so do i but i would rather pay out of pocket than have my insurance rates hiked. What is your rough estimate?

12:15 PM

12:15 PM

Jun 4, 2019

Ted

Thank you for returning my call so promptly. I hope we can continue to work out a fair solution. It is unfortunate that

May 19, 2019



(717) 673 -

4205

Janice and Trish. I sincerely apologize for the contractors starting the demo of the house before you had a chance to see it. There was a miscommunication between myself and the contractors. They asked for the address and combo to see the house, which i gave them and while they went up to see the house, unbeknownst to me they began to the do demo and removal. I did not know that they had started as i did not give them the go ahead to start. I apologize for the removal of your dishes. I would like to

them the go ahead to start. I apologize for the removal of your dishes. I would like to give you a \$500 dollar discount on the price of the demo. It was not my intention to start before you had a chance to see the property this week and i did not know that my contractors would have started before consulting me and giving them the go ahead. Again i apologize for this

Ted

At this point I can't agree to anything. I still need to know the extent of what was removed from the house. What
 day it was removed the same

1:03 PM

Jun 24, 2019

When do you anticipate the list being complete? I would like to include your list in the offer that i will write for you so that we are all clear in exactly

1:17 PM

what items the payment will be for

1:20 PM

So the offer you made of 5k is off the table?

1:26 PM

No that it is not. I am offering \$5k but when i write up the offer i would like us to be on the same page as far as what items the \$5k covers

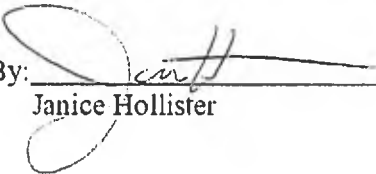
1:28 PM

Jul 8, 2019

VERIFICATION

I, Janice Hollister, hereby verify that the facts set forth in this Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date: 4/7/2021

By: 
Janice Hollister

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Janice Hollister
Signature: Anna R. Knych
Name: Anna L. Knych
Attorney No. (if applicable): 316659

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